



STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PHYSICAL THERAPY
EXAMINERS

IN THE MATTER OF THE
SUSPENSION OR REVOCATION OF
THE LICENSE OF

KYONG HYUN KO, P.T.
LICENSE NO. 40QA01163600

TO PRACTICE PHYSICAL THERAPY
IN THE STATE OF NEW JERSEY

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: Administrative Action
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: FINAL ORDER
: OF DISCIPLINE
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This matter came before the New Jersey State Board of Physical Therapy Examiners upon information that the respondent has failed to complete a total of thirty (30) credits of continuing education in approved physical therapy courses during the period of February 1, 2006 through January 31, 2008, as required for the 2008-2010 biennial license renewal pursuant to N.J.S.A. 45:9-37.18 (a) 10 and N.J.A.C. 13:39A-9.1 et. seq. Based upon information received and which the Board has reviewed, the following preliminary findings are made:

FINDINGS OF FACT

1. Respondent is a physical therapist in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On December 31, 2007 the respondent submitted his completed application for renewal of license as a physical therapist in the State of New Jersey.

3. The respondent affirmed on the renewal application for the 2008-2010 renewal period that he will have completed the required continuing education by the period preceding the established renewal date of February 1, 2008.

4. On April 25, 2008, the Board of Physical Therapy Examiners initiated a random audit of renewal applications for the 2008-2010 period, asking licensees to submit proof with regard to the satisfaction of continuing education requirements for the biennial renewal period, i.e., thirty (30) credit approved hours. The audit letter was sent by certified mail, return receipt requested, to the respondent's address of record and was received by the respondent on April 28, 2008.

5. On June 11, 2008, the Board served a second letter certified mail, return receipt requested, asking the respondent to submit proof with regard to completion of the required credit hours no later than July 11, 2008.

6. Respondent failed to respond to each letter sent by the Board.

CONCLUSIONS OF LAW

Respondent has not satisfied the requirements of N.J.S.A. 45:9-37.18 (a) 10 and N.J.A.C. 13:39A-9.1 et. seq. with regard to the completion of the appropriate number of approved continuing education credit hours and is therefore subject to sanctions pursuant to N.J.S.A. 45:1-21(h), failure to comply with the provisions of an act or regulation administered by the Board,

which constitutes grounds for suspension or revocation of any certificate, registration or license, and grounds for sanction pursuant to N.J.S.A. 45:1-25.

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline requiring respondent to pay a civil penalty of one thousand dollars (\$1,000.00) for violation of the above regulations was entered on October 9, 2008, and a copy was served on and received by the respondent on October 11, 2008. The Provisional Order also stated that respondent's license would be suspended by Final Order in the event that respondent failed to submit proof of having completed the requisite thirty (30) hours of continuing education credits within thirty (30) days of the Final Order. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Finding of Fact and Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent failed to respond to the Provisional Order of Discipline. The Board determined that further proceedings were not necessary and that no material discrepancies had been raised. The credits for continuing education must be obtained biennially by each holder of an active license during the period preceding the established license renewal date as required by N.J.S.A. 45:9-37.18 (a) 10. Thus, the respondent must have completed his thirty (30) credits by January 31, 2008. The Board determined that the respondent failed to submit proof of additional

credits on a timely basis as the proofs presented indicated that respondent did not satisfy the total amount of continuing education credits within the preceding license renewal period as zero (0) of the credits were obtained within the renewal period.

Upon review of all available information, the Board finds that respondent has failed to complete thirty (30) continuing education credits, as required for the 2008-2010 biennial license renewal pursuant to N.J.S.A. 45:9-37.18 (a) 10 and N.J.A.C. 13:39A-9.1 et. seq. . The Board requires that respondent provide further documentation indicating completion of these thirty (30) credits. The Board affirmed its previous determination ordering respondent to pay a one thousand dollar (\$1,000.00) civil penalty and temporarily suspending respondent's license in the event that respondent fails to submit proof of having completed the requisite thirty (30) hours of continuing education credits within thirty (30) days of the date of receipt of the Final Order.

THEREFORE, IT IS ON THIS 14th **DAY OF** July , 2009,
ORDERED:

1. Respondent shall pay a civil penalty of one thousand dollars (\$1,000.00) pursuant to N.J.S.A. 45:1-25 for violation of N.J.S.A. 45:9-37.18 (a) 10, N.J.A.C. 13:39A-9.1 et. seq. and N.J.S.A. 45:1-21(h) as evidenced by your failure to satisfy the continuing education requirements. Payment is to be remitted by means of a certified check or money order, payable to the New Jersey State Board of Physical Therapy Examiners. Such payment is to be sent to the Board of Physical Therapy Examiners, attention Lisa Affinito, Executive Director, at 124 Halsey Street, Sixth Floor, Post Office Box 45014, Newark, New Jersey 07101, no later than ten (10) days from the date that the within Order is finalized.

2. Respondent must submit proof of having completed the requisite thirty (30) hours of continuing education credits within thirty (30) days of the date of the receipt of the Final Order. **These continuing education credits are NOT to be used to renew respondent's license for the 2010-2012 renewal period.**

3. In the event that respondent fails to present the proofs as required by paragraph #2, by the date provided, the license of respondent shall be suspended, by operation of the Final Order, and shall remain suspended until respondent submits proof that he has fully complied with all continuing education requirements.

4. In the event that respondent's submissions establish a need for further proceedings, including, but not limited to, an evidentiary hearing, respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, and upon review of the record, the Board shall not be limited to the findings of facts and conclusions of law and sanctions herein.

NEW JERSEY STATE BOARD
OF PHYSICAL THERAPY EXAMINERS

By: Karen E. Wilk PT, DPT 40QA00560100
Karen Wilk, P.T., D.P.T.
Chair